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– and –

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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

In Re  
CIRCUIT CITY STORES, INC., *et al.*,  
Debtors.

Case No. 08-35653 (KRH)  
Chapter 11  
Jointly Administered

**APPELLANT APEX DIGITAL, INC.'S STATEMENT OF ISSUES TO BE PRESENTED  
AND DESIGNATION OF ITEMS TO BE INCLUDED IN RECORD ON APPEAL**

Pursuant to Federal Rule of Bankruptcy Procedure 8006, Apex Digital, Inc. ("Apex") files this statement of issues to be presented and designation of items to be included in the record

on appeal.<sup>1</sup> To avoid repetitive statements and designations in this consolidated appeal, Apex hereby incorporates the statements and designations filed by appellants Mitsubishi Digital Electronics America, Inc. (Doc. No. 6949) and LG Electronics USA, Inc. (Doc. No. 7322). Apex adds only the following designations specific to its claims:

<b>Exhibit</b>	<b>Item Number</b>	<b>Date Filed</b>	<b>Description</b>
1	Claim Register No. 732	December 12, 2008	503(b)(9) Administrative Expense Request of Apex Digital, Inc.
2	Claim Register No. 6790	January 28, 2009	General Unsecured Claim of Apex Digital, Inc.
3	Claim Register No. 13005	May 9, 2009	503(b)(1)(A) Administrative Expense Request of Apex Digital, Inc.
4	Docket No. 4288	July 27, 2009	Notice of Transfer of 503(b)(9) Administrative Expense Request (No. 732) to Hain Capital Group, LLC
5	Docket No. 4289	July 27, 2009	Notice of Transfer of 503(b)(1)(A) Administrative Expense Request (No. 13005) to Hain Capital Group, LLC

Dated: May 4, 2010

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<sup>1</sup> The Debtors and Apex have executed, filed and served a proposed settlement agreement and stipulation (Doc. No. 7365). Because the settlement cannot become effective until at least May 14, 2010, Apex is filing this statement and designation as required to preserve its rights in the appeal pending in the District Court.

/s/ Joshua D. McKarcher

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**CERTIFICATE OF SERVICE**

I certify that on May 4, 2010 I electronically filed the foregoing *Appellant Apex Digital, Inc.'s Statement of Issues to be Presented and Designation of Items to be Included in Record on Appeal*, without exhibits, with the Clerk of the Court using the CM/ECF system; sent via overnight Federal Express a copy of same, with all exhibits, to the Clerk of the Court; and sent a copy of same, without exhibits, via first-class mail, postage prepaid, to:

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